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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,826	10/23/2001	Tatsuo Kaizu	275744US6	9532

22850 7590 10/18/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,826	KAIZU ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Notice of Appeal, filed 8/17/06, with respect to the rejection(s) of claim(s) under Levine in view of Elliot have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Levine in view of Heredia.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine in view of Heredia.

As to claim 1, Levine teaches an information processing apparatus (PC 18 in Figure 2) comprising control information acquiring means for acquiring from a program information providing apparatus (schedule source 40) control information (information related to the programming selected to be recorded, such as channel to be recorded, start time and end time of program) for controlling preset recording of a program. Levine teaches that program information providing apparatus (remote database 40 in Figure 2) provides control information (information related to the programming selected to be recorded) (Column 3, lines 55 – 67, Column 4, lines 1 – 8) so that personal

computer 18 can control the recording of the VCR 14 (Column 4, lines 9 – 14, 36 – 45). This is equivalent to the present means because a programming schedule (EPG server 7 in Figure 1 of present disclosure) is accessed by computer 18 (computer 1 in Figure 1 of present disclosure) and computer 18 of Levine uses the selected programming information (control information) to control the preset recording of the selected program.

Levine also teaches identification information (VCR make and model) acquiring means for acquiring identification information (VCR make and model) for identifying a recording apparatus (VCR 14 in Figure 2) by which said program is recorded (Column 4, lines 61 – 65). This is equivalent to the present disclosure because the identification acquiring means is disclosed in the present application as the user (operator in Levine) enters the identification information such as model of the VCR 2 (VCR 14 in Figure 2 of Levine) with the personal computer 1(personal computer 18 in Figure 2 of Levine) in advance.

Levine also teaches code information (VCR control codes) acquiring means for acquiring, on said identification information acquiring means (VCR make and model by user), code information (infrared code that controls the VCR) for controlling said recording apparatus (VCR 14 in Figure 2), said code information (infrared code that controls the VCR) corresponds to said control information acquired by the information acquiring means. Levine teaches that the infrared code that controls the VCR 14 (code information) is retrieved from remote database 40 (EPG 7 of present application) (Column 4, lines 58 – 62). The code information (infrared code that controls) corresponds to the information related to programming selected to be recorded because

when the start time of the program to be recorded is reached, code information must be sent to the VCR so that recording can be initiated (Column 4, lines 23 – 28). Therefore, control information must be mapped to the code information. This is equivalent to CPU 21 of personal computer 1 accessing EPG server 7 to download the corresponding command set as one that is used for VCR 2 in the present application and that the control information corresponds to the code information.

Levine also teaches transmitting means, for transmitting said code information (infrared code that controls the VCR) acquired by said code information acquiring means to said recording apparatus (VCR 14 in Figure 2)(Column 4, lines 40 – 45). This is equivalent to the code information being sent from the personal computer 1 to the Video mouse 1A (IR unit), the video mouse (IR unit) sends the control signal to program the VCR for preset recording of the present disclosure.

Levine does not disclose a system wherein said code information being automatically obtained from a server apparatus if unavailable in a local memory.

Heredia discloses a system wherein said code information being automatically obtained from a server apparatus if unavailable in a local memory (column 7, lines 39-42 and 45-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the automatic code downloading, taught by Heredia, to the system disclosed by Levine. The motivation would have been to allow for popular brand remote codes to be stored locally and able to be quickly accessed, while less popular brands would need to be downloaded and would take longer to be available.

As to claim 2, see rejection of claim 1 and note that Levine also teaches wherein said code information instructs said recording apparatus to execute one of operations for starting and ending a recording session (Column 4, lines 24 – 28). Note that Levine teaches that the computer 18 can use its internal clock instead of the clock of the IR unit (Column 4, 36 – 38), thereby satisfying the transmitting means.

As to claim 3, see rejection of claim 1 and note that Levine also teaches wherein said transmitting means transmits said code information (infrared code that controls the VCR) which instructs said recording apparatus (VCR 14) to execute a preset recording operation (Column 4, lines 36 – 45).

As to claim 4, see rejection of claim 1 and note that Levine also teaches wherein said identification information (VCR make and model) acquiring means acquires a maker name and a model name of said recording apparatus as said identification information (Column 4, lines 63 – 65).

As to claim 5, see rejection of claim 1 and note that Levine also teaches wherein said code information acquiring means acquires said code information (IR codes that controls the VCR) through a network. Levine teaches that information as to the nature of the remote control codes used by the video recorder 14 is provided from the remote

database 40 in Figure 2 (Column 4, lines 58 – 65), wherein the personal computer 18 and the remote database 40 communicates through a telephone network with modems.

As to claim 7, see rejection of claim 1 for the corresponding claim limitations and note that Levine and Elliot disclose the method along with the apparatus of claim 1 (Column 3, line 24).

As to claim 8, see rejection of claim 1 for the corresponding claim limitations and note that Levine and Elliot teach a special application program (computer readable program) that is stored in a program storage medium (diskette) implements the claim limitations of claim 1 (Column 3, lines 30 – 32, 48 – 49).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levine in view of Heredia as applied to claim 1 above, and further in view of Saward.

As to claim 6, see rejection of claim 1 and note that Levine and Elliot also teach wherein said control information includes broadcast channel information, broadcast date, broadcast start time and broadcast end time. Levine teaches that as the operator makes a programming selection, the information relating to the selection (control information), includes the channel, start and stop time. This reads on the broadcast channel, broadcast start time and broadcast end time.

Levine and Heredia fail to teach the control information includes a broadcast date.

However, Saward teaches control information (Figure 4) of a VCR includes a date of the program or a code for specific days of the week to be recorded (Column 3, lines 37 – 38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify control information of Levine and Heredia, using the broadcast date control information of Saward, for the purpose of convenience for the user so that the user can use one preset recording to record programs on different days (i.e. weekly).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600